

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MARK DUFRESNE,

Plaintiff,

v.

Case No. 8:21-cv-560-T-KKM-AAS

PAYPAL, INC.,

Defendant.

_____ /

ORDER

Defendant PayPal moves to dismiss Plaintiff Mark Dufresne’s complaint and to compel arbitration. (Doc. 7). Dufresne failed to respond to PayPal’s motion, and the deadline (April 5) to do so passed. *See* Local Rule 3.01(c). As a result, the Court treats PayPal’s motion as unopposed. *Id.* (“If a party fails to timely respond, the motion is subject to treatment as unopposed.”).

Dufresne’s causes of action arise from a User Agreement he signed with PayPal. (Doc. 1-3 at 1–18). That User Agreement contains an arbitration provision that covers “any and all disputes or claims that have arisen or may arise between you and PayPal,” including any legal or equitable claim brought by Dufresne against PayPal. (Doc. 7-1 at 29); *JPay, Inc. v. Kobel*, 904 F.3d 923, 929 (11th Cir. 2018) (“Where the parties have agreed to arbitrate their dispute, the job of the courts—indeed, the obligation—is to enforce that agreement.”). As a result, PayPal’s motion will be granted. *See also White v. Santander Consumer USA, Inc.*, CV 120-115, 2021 WL 964278 (S.D. Ga. Mar. 15, 2021) (Hall, C.J.).

The following is **ORDERED**:

1. PayPal's motion to dismiss and compel arbitration (Doc. 7) is
GRANTED.
2. The parties must arbitrate all claims raised here, and the case is
DISMISSED WITHOUT PREJUDICE.
3. The Clerk is directed to terminate all motions and deadlines and to close
this case.

ORDERED in Tampa, Florida, on April 6, 2021.



Kathryn Kimball Mizelle
United States District Judge